

Cott, m.c.g.

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY 5089 DO DATE FILED 5/24/10
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AMERICAN HOME ASSURANCE COMPANY,  
(A/S/O) OCE PRINTING SYSTEMS GMBH

Plaintiff,

- v. -

KUEHNE & NACEL (AG & CO.) KG

Defendant.

06 Civ. 6389 (JLC)

ORDER OF VACATUR AND  
DISMISSAL ON CONSENT

1. WHEREAS, the parties jointly moved this Court pursuant to Fed. R. Civ. P. 60(b)(6) to vacate the Opinion and Order in this matter dated September 29, 2009 ("the Opinion"), and the Judgment entered in favor of KNAG and against AHAC on October 22, 2009 ("the Judgment"); and

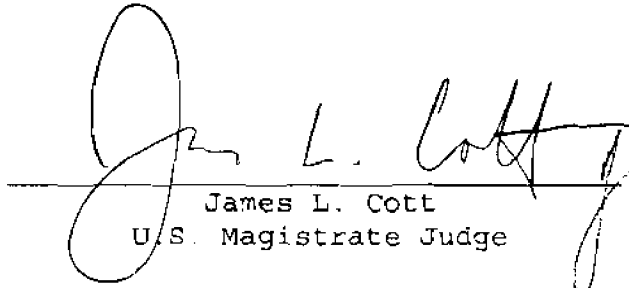
2. WHEREAS, this Court entered an Order dated May 7, 2010 that disposed of the parties' motion by providing that if the Court of Appeals remanded this matter, the Court would then issue an Order granting the Rule 60(b) motion, and

3. WHEREAS, by an Order filed on May 20, 2010, the U.S. Court of Appeals has remanded this matter to this Court for the express purpose of granting the parties' Rule 60(b) Motion to Vacate the Opinion and Judgment; and

4. WHEREAS, the parties have informed this Court that under the terms of their settlement, and upon vacatur of the Opinion and Judgment herein, this action may now be dismissed with prejudice, and without costs to either party,

NOW THEREFORE, it is hereby ORDERED (1) that the parties' joint Motion to Vacate pursuant to Fed. R. Civ. P. 60(b)(6) is granted, (2) that this Court's Opinion dated September 29, 2009 and the Judgment entered on October 22, 2009 are vacated in their entirety and shall be of no force and effect, and (3) that this action is hereby dismissed, with prejudice, and without costs to either party.

Dated: New York, New York  
May 24, 2010


  
James L. Cott  
U.S. Magistrate Judge

WE CONSENT TO THE ENTRY OF THE FOREGOING ORDER:

Dated: New York, New York  
May 20, 2010

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Attorneys for PLAINTIFF

By:

  
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Dated: New York, New York  
May 21, 2010

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